



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: )  
Kentaro KAWAZOE et al ) Confirmation No. 4862  
Serial No.: 10/531,171 ) Examiner: Freistein, Andrew B.  
Filed: April 11, 2005 ) Group Art Unit No.: 1626

For: PROCESS FOR PRODUCING AROMATIC NITRILE COMPOUND

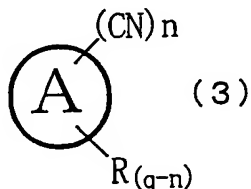
RESPONSE TO OFFICE ACTION OF AUGUST 21, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As the Examiner noted, his groups I-V are merely exemplary. Accordingly, responsive to the requirement that applicants elect a single group, Applicants hereby elect as a group:

A process for producing an aromatic nitrile compound represented by the following general formula (3):



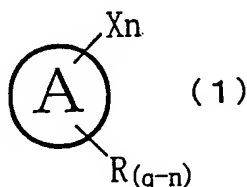
wherein ring A is a phenyl ring;

n is an integer of 1 or 2;

R is hydrogen or alkyl with the proviso that (q-n) is zero or a positive integer and

that when (q-n) is 2 or more, a plurality of Rs may be the same or different, the process comprising:

reacting (A) an aromatic compound represented by the following general formula (1):



wherein X is a hydroxymethyl group, an alkoxymethyl group or a formyl group; n, R and q have the same definitions as given above, or a mixture thereof, with (B) an oxidized bromine compound represented by the general formula (2)



wherein M is an alkali metal, and m is an integer of 1 to 3, in the presence of (C) an acid catalyst and (D) either ammonia or an ammonium salt as a nitrogen source.

The undersigned thanks the Examiner for the opportunity to discuss the election with him by telephone on October 4, 2006. The undersigned's understanding of that conversation is that the proposed election (see the attached proposed response which was faxed to the examiner in advance) would be agreeable to the examiner subject to the following changes:

1. Delete the language "and that two Rs may be bonded to each other to form a ring";
2. Define "M" as "sodium or potassium"; and
3. Define "n" as an integer of 1 to 2.

The above election makes changes 1 and 3, but not 2. It is the understanding of the undersigned that the examiner acknowledges the general, recognized chemical equivalence between the alkali metals but required an election limited to sodium and potassium because the undersigned could not point to use of the generic language "alkali metal" in the specification. However, in fact, the terminology "alkali metal" is

used in applicant's specification at page 45, lines 14-17.

However, the requirement for restriction is respectfully traversed. Applicants are claiming a process, not a grouping of novel compounds. The rationale for "a single general inventive concept" under PCT Rule 13.1, is clearly set forth by Applicants at page 4 lines 5-14 which reads as follows:

"In view of such a situation, the present inventor made a study on a process which can produce an aromatic nitrile compound from either of an aromatic hydroxymethyl compound, an aromatic alkoxymethyl compound and an aromatic aldehyde compound, or from a mixture thereof. As a result, the present inventor found unexpectedly that the above aim could be solved by reacting the above aromatic compound with an oxidized bromine compound in the presence of an acid catalyst, using ammonia or the like as a nitrogen source. The present invention has been completed based on this finding." [Emphasis added.]

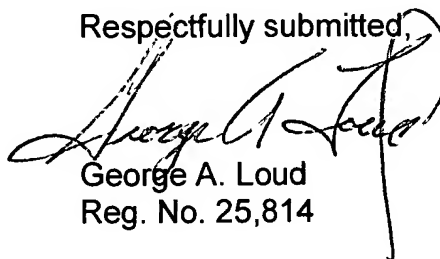
It should be clear to the Examiner from the above teaching that one single general inventive concept under PCT Rule 13.1 resides in use of an oxidized bromine compound, an acid catalyst, and ammonia or an ammonium salt as a nitrogen source, in combination. The Examiner's comments ignore Applicants' stated rationale for unity of invention in a single general inventive concept.

A petition for a one month extension of time has today been filed as a separate paper and a copy is attached hereto.

Dated:

10/19/06

Respectfully submitted,



George A. Loud  
Reg. No. 25,814

Atty. Docket No.: KAWZ3001/GAL

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